

GREENSVILLE COUNTY PLANNING COMMISSION

AGENDA

Tuesday, December 11, 2018

6:00 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

A. Approval of Minutes – See Attachment - A.

1. November 13, 2018

IV. PUBLIC HEARING

A. ZTA-4-18 – Marsha Daniel and Mark Gainey – Proposed addition to Greenville County

Zoning Ordinance - See Attachment - B.

V. REGULAR SESSION

VI. ZTA-4-18 – Marsha Daniel and Mark Gainey

VII. OTHER MATTERS

A. SP-2232-3-18 Fountain Creek Solar – See Attachment – C.

1. Action deferred from 11-13-2018 Planning Commission meeting

IX. ADJOURN

The Greenville County Planning Commission meeting was held Tuesday, November 13, 2018, 6:00 P.M., at the Greenville County Government Center, 1781 Greenville County Circle, Emporia, Virginia.

PRESENT

Walter Robinson, Vice-Chairman
Lofton Allen
Stephen Allen
Annie Odom
Jeff Robinson

ABSENT

Joe Antorn, Jr.
Dianne Barnes-Rhoades

STAFF PRESENT

Darren Coffey
Linwood E. Pope, Jr.
Treva Pernell

OTHERS PRESENT

| | | |
|---------------|--------------|----------------|
| Denise Nelson | Todd Allen | Raymond Bryant |
| Aarty Joshi | Benny Ligon | Wilson Clary |
| David Stoner | Allen Little | Jimmy Ferguson |
| Julia Pair | Amy Lifsey | |

Vice-Chairman Robinson called the meeting of Tuesday, November 13, 2018 to order. Mr. Robinson stated that the Commission would start the meeting with prayer. He called on Commissioner Jeff Robinson to offer prayer. The secretary called the roll.

In Re: APPROVAL OF THE AGENDA

Vice-Chairman Robinson entertained a motion for approval of the agenda. Commissioner Steve Allen made the motion, seconded by Commissioner Lofton Allen, with all voting aye, motion carried.

In Re: APPROVAL OF THE MINUTES

Vice-Chairman Robinson entertained a motion to approve the minutes of October 9, 2018. Commissioner Jeff Robinson made a motion, seconded by Commissioner Lofton Allen, with all voting aye, motion carried.

Vice-Chairman Robinson entertained a motion to go into Public Hearing. Commissioner Rhoades made the motion, seconded by Commissioner Antorn, with all voting aye, to go into Public Hearing.

In Re: PUBLIC HEARING

SP-5-17 – Revocation of Special Use Permit - Sedrick Miles

Mr. Pope stated that on January 15, 2018, the Greenville County Board of Supervisors approved Mr. Miles Special Use Permit request to establish an automobile repair facility within an existing enclosed accessory structure. The request was approved subject to ten conditions.

Mr. Pope stated that, since approval, Mr. Miles had not followed the conditions and he had stored vehicles outside. He stated a violation letter was sent to the applicant on November 1, 2018. He also stated that he had given the applicant names of two engineers that could help him. He further stated that the Commission had two options; revoke the Special Use Permit or give the applicant 30 days to contact an engineer and begin meeting the conditions set out for him.

Vice-Chairman Robinson asked if there were any other questions or comments. Being none, he asked for a motion to go back into regular session.

Commissioner Steve Allen made a motion, Commissioner Robinson seconded, motion carried to return to regular session.

In Re: REGULAR SESSION

Vice-Chairman Robinson entertained a motion concerning SP-5-17 – Revocation of Special Use Permit.

Commissioner Steve Allen made a motion that the Planning Commission give the applicant 30 days to have professional drawings made in order to be in compliance with the Greenville County Building Code and start meeting the conditions outlined in the approval letter of January 15, 2018, seconded by Commissioner Lofton Allen, with all voting aye, motion carried.

In Re: OTHER MATTERS

Vice-Chairman Robinson stated that the next item on the agenda was SP-2232-3-18 Fountain Creek Solar.

In Re: Staff Report

Denise Nelson, Environmental Engineer with the Berkley Group, addressed the Commission and presented the staff report for SP-2232-3-18. She stated that this was an application for Fountain Creek Solar Project located on Brink Road between Fish Road and

Fountain Creek Road approximately eight miles SW of Emporia, VA. The applicant is Fountain Creek Solar, LLC a subsidiary of Clearway Energy Group LLC.

Ms. Nelson stated that the applicant proposed to construct an 80 megawatt photovoltaic solar energy generating facility on two parcels with a total of 802 acres in a A-1 Agricultural district. The solar panels will cover approximately 595 acres. The project also includes a 2.2 mile interconnection transmission line affecting six additional parcels.

Ms. Nelson stated Comprehensive Plan Citations from the staff report. She stated that some of the Goals and Objectives are as follows:

General #3 – Preserve the rural character of the County by directing and controlling growth in designated areas.

Under Land Use General #2 – Concentrate development in appropriate locations by encouraging more efficient site design and incorporating proper buffers between differing uses.

Commercial and Industrial #5 – Evaluate large scale industrial economic development projects that will provide an economic benefit to the County but that may not be in designated development areas or near major transportation systems.

She stated that under Planning Issues and Strategies – Local Production of Renewable Energy:

#1 – There is great interest in the construction of Solar Energy Farms throughout the County as a result for the quest to generate environmental friendly energy.

Strategies/Policies – If not detrimental to the surrounding area, Solar Energy Projects greater than 20 MW_{AC} are encouraged in agricultural zoned districts. It is encouraged that a Decommissioning plan be provided by the owner of such Solar Energy Projects to ensure proper dismantling of the project.

Ms. Nelson stated that under Agricultural and Lands Issues:

#1 – There is concern to maintain the agricultural characteristics of the County not included in the Urban Services District.

Under the Comprehensive Plan describes Rural Residential; Conservation Area as: Characterized by low-density residential development such as detached single-family units on lots larger than urban or suburban lots. Certain agricultural and farming uses are typically allowed. In addition, large scale economic development projects may be allowed subject to required land use approvals as approved by the Board of Supervisors.

Ms. Nelson stated that the staff has analyzed the proposed project in light of the changing nature of the County landscape with previous approvals for other photovoltaic solar energy generation facilities. She stated that the proposed site is in the same vicinity of the recently approved Meherrin 60 megawatt solar generation facility to the east of Fountain Creek Road. The project includes a 2.2 mile interconnection transmission line and the associated viewshed with towers up to 75' tall. She stated that the two parcel sites have half the land covered with forest.

Ms. Nelson stated that staff had analyzed the Comprehensive Plan elements and the proposed project appears to meet some, but not all, of the Comprehensive Plan's land use and renewable energy goals, objectives, and strategies. Subject to the project's final design and construction, and based on the information reviewed for this report, staff finds that the proposed utility-scale solar facility may not be substantially in accord with the Greenville County Comprehensive Plan or parts thereof.

1. The proposed location appears to be in accord with some of the land use goals and objectives set forth in the Comprehensive Plan.
 - a. The project is in an agricultural zoned district.
 - b. The project is not competing with other major land uses in desired locations.
 - c. The project does not encroach on any existing viable neighborhoods (major subdivisions).
2. The character and extent of the proposed utility-scale solar project appears to be partially in accord with the Comprehensive Plan.
 - a. The proposed design shows adequate screening and buffers around the Solar Energy Farm site; however, screening and buffers are not feasible around the 2.2 mile transmission line.
 - b. The project would increase the concentration of utility-scale solar facilities in the Brink section of the County impacting the rural character of that area.
 - c. Encroachment on differing land uses is minimized.

Ms. Nelson stated that the question before the Planning Commission with this 2232 application is:

Whether the general location or approximate location, character, and extent of the proposed solar energy facility is substantially in accord with the Comprehensive Plan or part thereof.

Ms. Nelson stated that the Planning Commission had three options:

- a. Approve the application with written reasons for its decision.
- b. Deny the application with written reasons for its decision.
- c. Defer the application for further discussion and consideration (within the 60 day window).

In Re: Presentation of Applicant

Aarty Joshi, Senior Manager of Environmental Permitting at Clearway Energy Group, addressed the Commission and gave an overview of Clearway Energy Group and the highlights of the proposed project.

David Stoner, with Clearway Energy Group, addressed the Commission and gave an overview of the site selection and design of the Fountain Creek Solar project. He stated that approximately 85% of the outlying majority of land surrounding the site is forested. He stated that this would not change. He also stated that these trees would be left in a 50' area surrounding the site and where there is not vegetation, they would plant 50' of vegetation. He further stated that they would abide by the County's 150' setback from property boundaries and roadways. He stated that they would also have wildlife corridors.

Mr. Stoner stated that there would be a decommissioning plan and securities to backup those plans.

Commissioner Jeff Robinson stated that the panels outlined in their application seemed very tall.

Mr. Stoner stated that the panels would be from 6' to 10' in height, however due to some topography differences, some panels may need to be a maximum of 15'.

Mr. Stoner stated that the project would bring a number of benefits to the community. He estimated that there would be 100 to 175 jobs during construction, with one to three permanent operation jobs, maintenance staff, etc.

Mr. Stoner stated that this project would be a capital investment of \$100 million, with approximately \$100,000 tax revenue for the County, first year.

Mr. Stoner stated that this project meets the County's Comprehensive Plan in several areas. He stated that it is a renewable energy project that will provide energy to Greenville County and Virginia utility customers.

Commissioner Lofton Allen asked if there was any concerns about overloading the Brink substation.

Mr. Stoner answered, no, because their process with Dominion is that these projects go through a two-year study process with Dominion who operated the line that comes into the substation. He stated that Clearway had signed an interconnection agreement with Dominion and studies have been done as far as capacity.

Commissioner Steve Allen asked at what point the lines could be overloaded.

Mr. Stoner replied, he was not certain of the overload limit of the Brink substation, but he could have that information in the future.

In Re: Citizens Comments

Julia Pair addressed the Commission on behalf of the Eddie Pair Estate, in care of Bernard Pair. She stated that she received a letter concerning this meeting on November 6, 2018 and that her property is adjacent to the proposed site property. She asked if there would be an enter/exit/turning lane for this solar facility site.

Mr. Pope stated that if the project continues beyond the 2232 Review Process, it will go through the Special Use Permit process; that is when the County can impose conditions for development. He stated that the Virginia Department of Transportation (VDOT) is always involved in every case that the County hears. He further stated that VDOT would require land-use permits prior to the beginning of construction.

Ms. Pair appreciated the information and she would do further study of solar projects.

Todd Allen addressed the Commission. He stated that his land was adjacent to the proposed site. He stated that he had talked with Mr. Stoner and learned that there is a Brink Phase 1 and Brink Phase 2. He asked about the wetlands in this area and wondered how much property could actually be used for solar panels. He stated that he felt that Fountain Creek Solar LLC needed to re-design their site.

Benny Ligon addressed the Commission. He stated that he thought the issues with these solar projects were brought on due to the language in the 2232 plan. He stated that the language encouraged solar farm projects in the County to generate environmentally friendly energy. He stated that these solar farms were an aggressive, renewable energy strategy that had been driven by Dominion Energy. He also stated that the County residents' electric bills will increase, the rural landscape will change and the definition of "detrimental" needs to be carefully defined. He further stated that the Planning Commission and the Board of Supervisors need to be more transparent with the County residents concerning their decision-making process. He encouraged the Commission to vote no to this request.

Allen Little addressed the Commission with a couple of concerns. He stated that he also would like to know the definition of "detrimental". He asked when would enough be enough; when would the County be saturated with solar projects. He asked the Commission to defer their decision, back up and regroup. He stated that he believed a workshop was needed to truly investigate the 2232 process and how decisions are made.

Amy Lifsey addressed the Commission. She stated that the land being discussed was her family's land. She stated that her grandfather told them not to sell the land; it would be there to support them as they grew older. She stated that times have changed; farm land and timber sells are not what they use to be and do not support families as they did in her grandfather's time. She stated that her grandfather would support solar farms. She asked that the Planning Commission vote to pass this applicant's request.

Todd Allen came back to speak to the Commission after Mrs. Lifsey's comments. He stated that he believed that this solar project would cause the depreciation of his land.

Raymond Bryant addressed the Commission. He stated that he and other residents in the Low Ground area had been contacted about solar farms; he and others were not interested. He stated that as a Greenville County Board of Supervisors member, he made the motion at the Board of Supervisors meeting to pass the Meherrin Solar project but at what point does the character of the County change and when. He stated that one solar farm may change the character but when more than one solar farm is passed, then it may become detrimental.

Mr. Bryant stated that when these panels release zinc into the ground can we overcome the problem. He asked that if zinc is being released, what other harmful by-products are being released into the ground.

Wilson Clary addressed the Commission on behalf of his wife, Pat Clary who is a member of the Smith family. He stated that this land was both agricultural and forest. He also stated that if this solar project is not detrimental to anyone else, the project should be allowed to go forward. He further stated that, if this project moved forward, his wife would like to establish

a scholarship program in her grandfather's name for deserving students in the Brink area each year that the project is in operation.

Jimmy Ferguson addressed the Commission. He stated that his family owns the right-of-way land for the transmission line for this project. He stated that he encourages the affirmative vote for this project.

Benny Ligon stated that he believes that the more solar facilities we have the more transmission lines and towers would be installed and that will change the character of the County.

In Re: Follow-up Comments by Staff

Darren Coffey addressed the Commission and offered to answer any questions they had for him. He reminded the members that there is a 60 day clock and that this application came in on October 8, 2018.

Lin Pope advised the members that if more time were needed, the Board of Supervisors would have to authorize additional time. He stated that with that request, the "clock" would be reset for an additional period of time.

Mr. Coffey stated that the Commission needed to address the language in the Comprehensive Plan.

Commissioner Jeff Robinson stated that he felt this site was excellent for this purpose. However, he has never been comfortable with the language, as far as solar projects, in the Comprehensive Plan. He stated that the character of the area needed to be decided.

David Stoner addressed the Commission again and stated that Clearway Energy wants to be open and transparent. He stated that they have been honest about having other land leased between Fountain Creek and Pine Log Road that is not part of this project.

Commissioner Lofton Allen stated that he thought that any further projects should be put on hold until we actually see some installations and see what it is all about before making decisions on more projects.

Vice-Chairman Robinson asked for a motion of the SP2232-3-18 Review for Fountain Creek Solar.

Commissioner Jeff Robinson moved that the Planning Commission defer a decision on Fountain Creek Solar, LLC's request under Va. Code § 15.2-2232 regarding its proposed 80-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-3-18, until the Planning Commission meeting scheduled to begin at 6:00 p.m. on December 11, 2018, in the Board of Supervisors meeting room, provided the Greenville County Board of Supervisors gives a 60 days extension, Commissioner Lofton Allen seconded, with all voting aye, motion carried.

Motion to adjourn by Commissioner Steve Allen, seconded by Commissioner Jeff Robinson, with all voting aye, meeting was adjourned.

Walter W. Robinson, Jr.
Vice-Chairman

COUNTY OF GREENSVILLE

TO: Greensville County Planning Commission
FROM: Linwood Pope, Jr., Director of Planning
SUBJECT: ZTA-4-18 – Marsha Daniel & Mark Gainey
Date: December 4, 2018

The proposed additions to the Zoning Ordinance are necessary due to the interest of a new business within Greensville County.

The applicants Marsha Daniel and Mark Gainey desire to amend Article 4: PERMITTED USES IN PRIMARY ZONING DISTRICTS, Table 4.1 Permitted Use Table to include the following use:

Wedding & Event Venue (Barn/Building)

The purpose of this Article is to establish permitted uses in primary zoning districts. To accomplish this purpose, Table 4.1 Permitted Use Table is hereby created as part of this Article, and likewise as part of the Zoning Ordinance of Greensville County. The "Permitted Use Table" establishes the uses of land, buildings, or structures that are permitted in Greensville County under this Ordinance, and stipulates the zoning district, or districts, in which each use is permitted.

COMMERCIAL AND BUSINESS SERVICES

A-1 Agricultural U (Special Use Permit)

The proposed changes to the Permitted Use Table (Table 4.1) will allow the establishment of a Wedding & Event Venue within a Barn or building only with the issuance of a Special Use Permit approved by the Board of Supervisors in an A-1. Agricultural District.

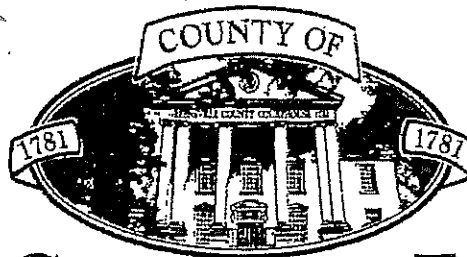
Special Use Permits may be granted by the Board of Supervisors for any of the uses for which a permit is required by the use regulations of the Zoning Ordinance. In granting any such special use permits, the Board of Supervisors may impose *conditions* that will assure that the use will conform to the requirements of the zoning ordinance. A special use permit shall not be issued unless the Board of Supervisors shall find that:

- The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or neighborhood. Among matters to be considered in this connection are traffic congestions, noise, light, dust, odor, and vibrations, with regard to hours of operation, screening and other matters with might ne regulated to mitigate adverse impact.

- The proposal as submitted or modified will conform to the comprehensive plan, or to specific elements of such plan, and the official policies adopted in relation hereto, including the purposes and the expressed intent of this Ordinance.

The proposed amendment has been found to be compatible with the Goals and Objectives of the Greenville County Comprehensive Plan as well as the County Zoning Ordinance. Therefore, Staff recommends approval of the applicant's request to amend Article 4, Table 4.1 as indicated above.

Should you have any questions or concerns, do not hesitate to contact me at (434) 348-4232 or by email at lpope@greenvillecountyva.gov.



GREENSVILLE

• V I R G I N I A •

...Growing Towards New Horizons

ZONING TEXT AMENDMENT

File #: ZTA-4-18

Applicant

Contact Person (If different from Applicant)

Name:

Marsha Daniel

Physical Address:

650 Hillcrest Rd.
Emporia, VA 23847

Mailing Address:

same

Telephone:

(919) 906-2102

Ordinance Section (s): TABLE 4.1 Permitted Use Table

Do the above section (s) currently exist? Yes ☒ No ☐

Proposed Wording: Wedding & Event Venue within Barn / Building

Justification: There is a lack of venues within the Emporia/Greenville area that people can rent for weddings and other special events. Wedding & events held at barn type venues are popular in adjoining counties & states and there is a great demand within Greenville County for this type of venue.

The foregoing information is complete and correct to the best of my knowledge.

Marsha Daniel
Applicant

10/24/18
Date

Received by: [Signature]

Date: 11/8/18

Planning Commission Action: _____

Board of Supervisors Action: _____

ISSUE:

Wedding & Event Venue (Barn Building)
A-1 of SUP

Public Hearing: Conditional Use Planned Development Case #17-006, Submitted by Patricia and Edward Crowling, applicants, are requesting approval of a conditional use planned development to operate and maintain a wedding and event venue

ELECTION DISTRICT:

Meherrin

LOCATION:

The subject property is located on the west side of Robinson Ferry Road (State Route 644), approximately 70 feet south of the intersection of Huckstep Road (State Route 663) and Robinson Ferry Road, located in the Meherrin Magisterial and Election Districts, also identified as Tax Map 90, Parcel 3.

DESCRIPTION:

The applicants are requesting approval of a Conditional Use Planned Development proposing to construct, operate, and maintain a wedding and event venue in a rural setting. The existing home will be used for members of the wedding party to dress and prepare for the ceremony while still being retained for a residence for property owners or caretakers. The construction of a three thousand (3,000) square foot barn is proposed to host the weddings and events as well as the addition of an onsite parking area.

RECOMMENDATION:

The Planning Commission conducted a public hearing on this request at their Tuesday, May 9, 2017 meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Conditional Use Planned Development Case#17-006 subject to the following conditions:

CONDITIONS

General

1. The wedding and event venue shall be constructed, operated, and maintained in accordance with all rules and regulations of the Brunswick County Zoning Ordinance, with any and all terms and conditions of this conditional use permit, and in compliance with all federal, state, and other local laws and regulations for this use.
2. Prior to the issuance of a zoning permit for the proposed wedding and event venue the permittees shall submit a site plan for County approval in accordance with the provisions of Article 27 of the Brunswick County Zoning Ordinance.
3. Permittees shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia and the County of Brunswick.

4. All documents received by the County from the permittees shall be public records subject to the Virginia Freedom of Information Act.
5. Only a wedding and event venue in accordance with the approved conditional use planned development is permitted on the subject property.
6. This conditional use permit shall expire if the use of the site as a wedding and event venue ceases for two (2) years.
7. These conditions shall be binding on any person, entity, including the permittees, their assigns, successors, and any subsequent assignee (s), successor (s), owner (s), operator (s), or lessee (s), owning-operating, or leasing the wedding and events venue situated on the subject property.

Right to Entry and Inspections of Premises

8. Permittees shall allow designated County representatives or employees access to the wedding and event venue at any time for inspection purposes. Reports of such inspections shall be provided to the Director of Planning to determine compliance with permit.

Light

9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources shall be directional and shielded fixtures that cast light downward.

Traffic Management

11. Prior to the issuance of site plan approval, the permittees shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from the Virginia Department of Transportation.

Environment

12. Prior to commencing land disturbance activities on the subject property, the permittees shall submit to the County for review and approval an Erosion and Sediment Control Plan in accordance with the provisions of the Brunswick County Erosion Control Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations.
13. Storm water runoff from the property shall be managed and discharged in accordance with applicable federal and state regulations.

Compliance

14. Violation of any local, state, or federal law, regulation, or ordinance or violation of any conditions of this permit shall be grounds for revocation of this permit by the County in accordance with law.
15. In the event the permittees are notified of any violations of applicable laws, regulations or permit conditions of the subject property, permittees shall notify the County and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.
16. All complaints received by the County will be referred directly to the permittees which shall give prompt and courteous attention and shall advise the County of the disposition of such complaints within thirty (30) days of the complaint referral.

Safety

17. The wedding and event venue and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code.

ATTACHMENT:

- Staff Analysis and Recommendation
- E911 Map/Zoning/Tax Map
- Public Hearing Notice
- Land Use Amendment Application, Received April 7, 2017
- Site Sketch
- Supplemental Information

17006bos.june2017
BOS Agenda June 21, 2017
George E. Morrison, III
Director of Planning

STAFF ANALYSIS AND RECOMMENDATION
May 1, 2017

GENERAL INFORMATION

Conditional Use Planned Development Case #17-006

APPLICANTS:

Patricia and Edward Crowling

REQUESTED ACTION:

The applicants request approval of a conditional use planned development for a wedding and event venue in the Agricultural (A-1) Zoning District.

PURPOSE:

The applicants propose to construct a 3,000 square foot barn in which they will operate and maintain a wedding and event venue.

LOCATION:

The subject property is located on the west side of Robinson Ferry Road (State Route 644), approximately 70 feet south of the intersection of Huckstep Road (State Route 663) and Robinson Ferry Road, located in the Meherrin Magisterial and Election Districts, also identified as Tax Map 90-3.

PARCEL SIZE:

8.81 acres +/-

PROPOSED USE/DEVELOPMENT AREA:

4.35 acres +/-

CURRENT ZONING CLASSIFICATION:

Agricultural (A-1)

EXISTING LAND USE:

The subject property contains a two story single-family dwelling built in 1935 on 8.81 acres+/- . Approximately (4.35 acres +/-) is primarily wooded.

SURROUNDING LAND USES AND ZONING:

Agricultural (A-1) zoning with agricultural and rural residential uses surround the subject property

ZONING HISTORY:

There are no previous zoning cases regarding the subject property.

COMPREHENSIVE PLAN:

The subject property is in the Agricultural and Conservation Planning Area. This planning area is expected to remain rural in nature with land reserved for agricultural use.

APPLICABLE REGULATIONS:

Brunswick County Zoning Ordinance, Article 1. General Provisions, Section 1-14. Conditional use planned developments and Article 4. Agricultural (A-1), Section 4-1-41, Assembly/retreat centers with the approval of a conditional use permit

SPECIAL INFORMATION**WATER AND SEWER SERVICES:**

The subject property does contain an existing well. An existing septic and drain field system is onsite also. The applicants will work with the Brunswick County Health Department to determine the capacity required for the wedding and event venue for both well and septic and drain field. Prior to site plan approval, the applicants must submit an approved Health Permit from the Brunswick County Health Department.

TRANSPORTATION:

The subject property has frontage along Robinson Ferry Road (State Route 644). There is an existing entrance located off of Robinson Ferry Road to the subject property. The applicants will have to receive approval from the Virginia Department of Transportation for a commercial entrance permit before site plan approval.

ANALYSIS:

The applicants are proposing to construct, operate, and maintain a wedding and event venue in a rural setting. The existing home will be used for members of the wedding party to dress and prepare for the ceremony while still being retained for a residence for property owners or caretakers. The construction of a 3,000 square foot barn is proposed to host the weddings and events as well as the addition of an onsite parking area. The applicants will be on hand for every event to monitor the success of each event.

Staff finds the applicants' request to be in substantial accord with the Comprehensive Plan.

RECOMMENDATION:

Staff recommends approval of Conditional Use Planned Development Case #17-006 subject to the following conditions:

CONDITIONS**General**

1. The wedding and event venue shall be constructed, operated, and maintained in accordance with all rules and regulations of the Brunswick County Zoning Ordinance, with any and all terms and conditions of this conditional use permit, and in compliance with all federal, state, and other local laws and regulations for this use.
2. Prior to the issuance of a zoning permit for the proposed wedding and event venue the permittees shall submit a site plan for County approval in accordance with the provisions of Article 27 of the Brunswick County Zoning Ordinance.
3. Permittees shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia and the County of Brunswick.
4. All documents received by the County from the permittees shall be public records subject to the Virginia Freedom of Information Act.
5. Only a wedding and event venue in accordance with the approved conditional use planned development is permitted on the subject property.
6. This conditional use permit shall expire if the use of the site as a wedding and event venue ceases for two (2) years.
7. These conditions shall be binding on any person, entity, including the permittees, their assigns, successors, and any subsequent assignee (s), successor (s), owner (s), operator (s), or lessee (s), owning-operating, or leasing the wedding and events venue situated on the subject property.

Right to Entry and Inspections of Premises

8. Permittees shall allow designated County representatives or employees access to the wedding and event venue at any time for inspection purposes. Reports of such inspections shall be provided to the Director of Planning to determine compliance with permit.

Light

9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources shall be directional and shielded fixtures that cast light downward.

Traffic Management

11. Prior to the issuance of site plan approval, the permittees shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from the Virginia Department of Transportation.

Environment

12. Prior to commencing land disturbance activities on the subject property, the permittees shall submit to the County for review and approval an Erosion and Sediment Control Plan in accordance with the provisions of the Brunswick County Erosion Control Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations.
13. Storm water runoff from the property shall be managed and discharged in accordance with applicable federal and state regulations.

Compliance

14. Violation of any local, state, or federal law, regulation, or ordinance or violation of any conditions of this permit shall be grounds for revocation of this permit by the County in accordance with law.
15. In the event the permittees are notified of any violations of applicable laws, regulations or permit conditions of the subject property, permittees shall notify the County and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.
16. All complaints received by the County will be referred directly to the permittees which shall give prompt and courteous attention and shall advise the County of the disposition of such complaints within thirty (30) days of the complaint referral.

Safety

17. The wedding and event venue and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code.

ATTACHMENTS:

- E911 Map/Zoning/Tax Map
- Land Use Amendment Application & Supplemental Information
- Survey Plat of Subject Property

Justification for Barn Event Venue

Research shows there's a need in our community for an event venue, to provide an additional option, as well as an alternative option. There are many couples that are leaving Greenville County to wed due to lack of options and an extensive wait list at our community's existing venue. And since weddings involve such a wide variety of vendors, that has a tremendous ripple effect resulting in a loss of revenue.

Research also shows a barn wedding venue in a country setting is a destination wedding site. With the increase in couples looking at venues outside the box for a unique wedding location, a barn wedding venue in Greenville County will attract out of town and out of state couples to our area. Our new venue could bring thousands of people to Emporia, Virginia each year and more exposure to our area.

Weddings generate hundreds of thousands, in spending on flowers, cakes, DJs, meals, photographers and hotels. And of course all those purchases generate sales tax revenue for state and local governments.

Weddings have an economic impact from start to finish. Weddings bring family and friends to fill hotel rooms for multiple days. Most out-of-town guests stay a minimum of three nights, so there is the increase in hotel revenue and restaurants. While here, they are shopping, buying groceries and/or dining out. In addition, lots of jobs and businesses involve serving the wedding industry. They are not just venues and hotels, but services ^{providing} providing music, photography, drone photography, retail, jewelers, make-up, hair salons, florists, and the list goes on.

**Staff Report
Fountain Creek Solar Project
Public Facility Application Review for 2232-3-18
Code of Virginia § 15.2-2232
Greensville County, Virginia**

November 6, 2018

APPLICATION SUMMARY

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| Project: | Fountain Creek Solar Project |
| Location: | Located on Brink Road (Rt. 627) bound by Fish Road, Fountain Creek Road (Rt. 659), and adjacent farmland approximately 8 miles southwest of Emporia in Greensville County, Virginia. |
| Parcel Record Numbers: | 41-16, 41-17, 42-48, 42-49, 42-50, 42-53, 42-3-A, 42-54 |
| Proposal: | Applicant's request for review of the Fountain Creek Solar Project pursuant to Virginia Code Section 15.2-2232 |
| Application Submitted: | October 8, 2018 |
| Applicant: | Fountain Creek Solar, LLC / Clearway Energy Group, LLC 100 California Street, Suite 400 San Francisco, CA 94111 Contact: Aarty Joshi |
| Representative: | David Stoner, Kimley-Horn and Associates, Inc. 421 Fayetteville Street, Suite 600 Raleigh, North Carolina 27601 |
| Owners: | See Attachment A – 2232-3-18 Application, sub-attachment B Property Owner Information, Site and Transmission Line Parcels |

PLANNING COMMISSION ACTION

The Applicant has requested that the Planning Commission review its proposed solar energy facility, as a "public utility facility" under Virginia Code Section 15.2-2232(A), to determine if the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County's Comprehensive Plan. As required by the Zoning Ordinance, the Applicant submitted a 2232 Review Application (County reference number: 2232-3-18) that was deemed complete on October 8, 2018, proposing a solar photovoltaic generation facility. Staff has recommended that the Planning Commission review the request for determination under Virginia Code Section 15.2-2232 prior to any review of a special use permit (SUP) application. For reference, Fountain Creek's 2232 application materials are attached (Attachment A) to this staff report.

The issue presented to the Planning Commission is whether the general or approximate location, character and extent of the proposed solar energy facility is substantially in accord with the County's Comprehensive Plan or part thereof. Subject to the Planning Commission's 2232 decision, **the Planning Commission will separately review and consider the merits of any associated SUP Application.**

PROPOSED DEVELOPMENT

The Applicant proposes to construct a 80 megawatt (alternating current) photovoltaic solar energy generation facility on two (2) parcels consisting of a total of approximately 802 acres. The solar panels will cover approximately 595 acres. The site currently consists of fields, farm paths, wooded areas, and natural wetlands.

The project includes a 2.2 mile interconnection transmission line through similar terrain affecting six (6) additional parcels. The solar energy generation facility will be connected to the Dominion Power power grid at a new interconnection point on an approximately 2-acre parcel. The interconnection switchyard will be approximately 200'x200' in dimension, fenced, and include transmission structures not exceeding 75' in height, breakers, and ancillary equipment.

The proposed site is in the same vicinity of the recently approved Meherrin 60 megawatt solar generation facility to the east of Fountain Creek Road. The shortest distance between the two developments will be approximately 600 ft (the length of parcel 42-45A).

The applicant provided a list of project benefits, including:

- Jobs during construction and operation
- Revenue generation and economic benefits
- Community benefits
- Environmental benefits

The applicant also provided a list of potential impacts and mitigation measures, including:

- Traffic during construction
- Construction noise
- Security lighting
- Wetland impacts

PURPOSE OF THE REVIEW UNDER VIRGINIA CODE SECTION 15.2-2232

Virginia Code Section 15.2-2232 requires that the Planning Commission review all proposed developments that include a "public utility facility" prior to the construction or authorization of such facility. The purpose of the Planning Commission's review is to determine if the general or approximate location, character, and extent of the proposed public utility facility is substantially in accord with the Greensville County Comprehensive Plan or part thereof. The Planning Commission has set aside time at its November 13, 2018 meeting to afford citizens an opportunity to offer their comments to the Planning Commission. The Planning Commission must advise the Board of Supervisors of its determination. If appealed by the Applicant, the Board of Supervisors may overrule the action of the Planning Commission.

EXISTING CONDITIONS AND ZONING

The application property consists of a mixture of cleared land, crop land, and existing timber land with the land historically used for agricultural and forestry purposes. The application property is currently zoned A-1, agricultural zoning district.

ADJACENT AND SURROUNDING USES

The application property is bordered by existing agricultural land consisting of a mixture of cleared land and existing timber land, as well as a few single-family residential properties. The application property is located in an agriculturally zoned area (A-1) and is not proximate to any scenic byways or known historic resources. The future land use designation for the application property is Rural Residential.

COMPREHENSIVE PLAN CITATIONS

Below are the relevant excerpts of Greenville County's Comprehensive Plan.

Goals and Objectives

GENERAL

- 1) Provide adequate governmental services, including public utilities, to meet the needs of Greenville's citizens.
- 2) Coordinate development with the provision for public utilities and services.
- 3) Preserve the rural character of the County by directing and controlling growth in designated areas.

LAND USE GENERAL

- 1) Encourage new development that complements surrounding uses.
- 2) Concentrate development in appropriate locations by encouraging more efficient site design and incorporating proper buffers between differing uses.

RESIDENTIAL

- 3) Prevent the encroachment of conflicting land uses on existing viable neighborhoods.

COMMERCIAL/INDUSTRIAL

- 5) Evaluate large scale industrial economic development projects that will provide an economic benefit to the County but that may not be in designated development areas or near major transportation systems.

PUBLIC FACILITIES

- 3) Plan accordingly for the future needs of the population.

Planning Issues & Strategies

LOCAL PRODUCTION OF RENEWABLE ENERGY

- 1) There is a great interest in the construction of Solar Energy Farms throughout the County as a result for the quest to generate environmental friendly energy.

STRATEGIES/POLICIES

- a. If not detrimental to the surrounding area, Solar Energy Projects greater than 20 MW_{AC} are encouraged in agricultural zoned districts.
- c. It is encouraged that a Decommissioning plan be provided by the owner of such Solar Energy Projects to ensure to proper dismantling of the project.

AGRICULTURAL AND FORESTAL LANDS ISSUES

- 1) There is concern to maintain the agricultural characteristics of the County not included in the Urban Services District.

STRATEGIES/POLICIES

- a. Re-evaluate current development standards to ensure all areas that lie within the Rural Development Area, with the exception of Major Commercial Hub, maintain these agricultural and rural development qualities.

Future Land Use Map

The Comprehensive Plan describes Rural Residential; Conservation Area as follows:

Characterized by low-density residential development such as detached single-family units on lots larger than urban or suburban lots. Certain agricultural and farming uses are typically allowed. In addition, large scale economic development projects may be allowed subject to required land use approvals as approved by the Board of Supervisors.

STAFF COMMENTS AND ANALYSIS

A. Applicant's Position

In the application materials dated October 8, 2018 (Attachment A), the Applicant's Representative sets forth its reasons why the proposed project is substantially in accord with the Comprehensive Plan.

The Applicant identifies the following items in support of its project:

Supports General and Land Use Goals:

- Preserve the rural character of the County by directing and controlling growth in designated areas (general)
- Encourage new development that compliments surrounding uses
- Concentrate development in appropriate locations by encouraging more efficient site design and incorporating proper buffers between differing uses
- If not detrimental to the surrounding area, Solar Energy Projects greater than 20 MWAC are encouraged in agricultural zoned districts.

Supports the Rural Character of the County:

- Setbacks of 150 feet
- Landscape screening of 50 feet
- Wildlife corridors
- Maximum height of 15 feet (for non-transmission equipment)
- Dark-sky compliant lighting
- Minimal noise
- Dust control at entrances

B. Staff Analysis

Staff has analyzed the proposed project in light of the changing nature of the County landscape with previous approvals for other photovoltaic solar energy generation facilities (See Attachment B).

1. The proposed site is in the same vicinity of the recently approved Meherrin 60 megawatt solar generation facility to the east of Fountain Creek Road. The shortest distance between the two developments will be approximately 600 ft (the length of parcel 42-45A). Together, these sites are approximately 4 miles from the recently approved 80 megawatt Greenville County Solar Project (Tradewind Energy Project). The two approved projects cover 1,945 acres with approximately 1,278 acres of solar panels. Adding this project would bring those totals to 2,747 acres with approximately 1,873 acres of solar panels within a total area of approximately 18,000 acres (i.e. 10% of the land around the Brink substation would be covered with solar panels). The County may want to consider limiting the concentration of facilities in one region to preserve the rural character and agricultural characteristics of the County.
2. The project includes a 2.2 mile interconnection transmission line affecting six (6) additional parcels and the associated viewshed (up to 75' towers/poles). Screening and buffers are not feasible around the 2.2 mile transmission line. This may further negatively impact the rural character and agricultural characteristics of the County.
3. Although the two (2) parcel site for the solar panels is zoned for agriculture, it appears that over half the land is forested. The applicant proposes returning the site to a pre-construction condition. As part of a SUP, the County may want to stipulate the restoration criteria (pre-timbered or post).

Staff has also analyzed the Comprehensive Plan elements and the proposed project appears to meet some, but not all, of the Comprehensive Plan's land use and renewable energy goals, objectives, and

strategies. Subject to the project's final design and construction, and based on the information reviewed for this report, staff finds that the proposed utility-scale solar facility may not be substantially in accord with the Greenville County Comprehensive Plan, or parts thereof.

1. The proposed location appears to be in accord with some of the land use goals and objectives set forth in the Comprehensive Plan.
 - a. The project is in an agricultural zoned district.
 - b. The project is not competing with other major land uses in desired locations.
 - c. The project does not encroach on any existing viable neighborhoods (major subdivisions).
2. The character and extent of the proposed utility-scale solar project appears to be partially in accord with the Comprehensive Plan.
 - a. The proposed design shows adequate screening and buffers around the Solar Energy Farm site; however, screening and buffers are not feasible around the 2.2 mile transmission line.
 - b. The project would increase the concentration of utility-scale solar facilities in the Brink section of the County impacting the rural character of that area.
 - c. Encroachment on differing land uses is minimized.

Staff and the Planning Commission will desire to see a detailed grading plan as part of a Special Use Permit (SUP) application so that it can be properly evaluated as to site impacts, and there will be a condition requiring compliance with the grading plan when developing the property.

An approved plan for a solar facility should, as set forth in the Comprehensive Plan:

- **Preserve the rural character** of the County by directing and controlling growth in designated areas.
- Concentrate development in appropriate locations by encouraging more efficient site design and **incorporating proper buffers** between differing uses.
- **Prevent the encroachment of conflicting land uses** on existing viable neighborhoods.
- **Plan accordingly for the future needs** of the population.
- **If not detrimental to the surrounding area**, Solar Energy Projects greater than 20 MW_{AC} are encouraged in agricultural zoned districts.
- There is concern to **maintain the agricultural characteristics of the County** not included in the Urban Services District.

Further, during a SUP Application review process, the Decommissioning Plan should be closely examined to ensure that the interests of the property owners, adjacent owners, and the County are adequately protected by a Plan that ensures removal of the solar facilities after use thereof is terminated with restoration of the underlying land to its former condition (as defined by a SUP condition), along with fiscal assurances deemed adequate by the County to ensure successful implementation of the Decommissioning Plan.

- It is encouraged that a Decommissioning Plan be provided by the owner of such Solar Energy Projects to ensure proper dismantling of the project.

In a Special Use Permit staff report, staff and the Planning Commission will identify and recommend conditions to mitigate the adverse effects of this utility-scale solar generation facility. Such conditions will include provisions addressing decommissioning, screening, buffering, wildlife areas, the grading plan, stormwater management, erosion and sediment control, among other considerations.

The question before the Planning Commission with this 2232 application is:

Whether the general location or approximate location, character, and extent of the proposed solar energy facility is substantially in accord with the Comprehensive Plan or part thereof.

- The Planning Commission should consider all relevant portions of the Comprehensive Plan in its analysis.
- Since it is anticipated that the solar facility could occupy the property for thirty or more years, and is essentially adjacent to a similarly sized solar facility, this duration, scale and concentration has the potential to change the rural character of the property and surrounding area and should be carefully evaluated by the Planning Commission.
- The Planning Commission should carefully and thoroughly document its reasons for whatever conclusion it reaches.
- The Planning Commission has three options:
 - a. Approve the application with written reasons for its decision.
 - b. Deny the application with written reasons for its decision.
 - c. Defer the application for further discussion and consideration (within the 60 day window).

Attachments:

- A – 2232-3-18 Application, dated October 8, 2018
- B – Brink Community Map

DRAFT PLANNING COMMISSION ACTIONS

Option 1 – Applicant's proposal is substantially in accord with the Comprehensive Plan

I move that the Fountain Creek Solar, LLC's proposed 80-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-3-18, is substantially in accord with the Greenville County Comprehensive Plan or parts thereof for the following reasons:

1. The Comprehensive Plan notes an interest in the development of environmental friendly energy.
2. The Comprehensive Plan states that so long as a solar energy facility is not detrimental to the surrounding area, solar energy facilities are encouraged in agricultural zoned districts.
3. The proposed project involves only a small part of the total agricultural land in the County and has proposed setbacks and buffers which, if adequate in scope and required in the Special Use Permit, could afford protection for adjacent properties.

The Secretary of the Planning Commission is directed to communicate the Planning Commission's findings to the Board of Supervisors.

Option 2 – Applicant’s proposal is not substantially in accord with the Comprehensive Plan

I move that the Fountain Creek Solar, LLC’s proposed 80-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-3-18, is not substantially in accord with the Greenville County Comprehensive Plan or parts thereof for the following reasons:

1. The Comprehensive Plan indicates that solar energy facilities may be acceptable if not detrimental to surrounding areas. The proposed solar energy facility increases the concentration of land approved for solar use to a point that does not preserve the rural character of the County.
2. The proposed solar energy facility’s 2.2 mile transmission line cannot incorporate sufficient buffers to address the impacts on adjacent areas.
3. The application property is designated in the future land use plan as Rural Residential and is planned for agricultural and farming uses and the solar energy facility is inconsistent with this designation.
4. The proposed solar energy facility will occupy 802 acres of agricultural/forestal land.
5. Concern regarding the decommissioning of the proposed solar energy facility, such as, financial assurance that facility will be removed and restoration of the application property to its agricultural uses. Without proper decommissioning the application property may not be suitable for agricultural purposes after the proposed solar energy facility has completed its useful life.

The Secretary of the Planning Commission is directed to communicate the Planning Commission’s findings to the Board of Supervisors.

Option 3 – Deferral of the application

I move that the Planning Commission defer a decision on Fountain Creek Solar, LLC’s request under Va. Code § 15.2-2232 regarding its proposed 80-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-3-18, until the Planning Commission meeting scheduled to begin at ____ p.m. on _____, in the Board of Supervisors meeting room.

Clearway Energy Group
100 California Street, Floor 4
San Francisco, CA 94111

clearwayenergygroup.com



December 5, 2018

Linwood E. Pope, Jr.
Planning Director
Greenville County Planning Commission
1781 Greenville County Circle
Emporia, VA. 23847



Subject: Fountain Creek Solar Project 2232-3-18 Review - Response to 11-13-18 Planning Commission Meeting

Dear Lin and Greenville County Planning Commissioners:

I am writing as a follow-up to public comments and discussions held at the November 13, 2018 Greenville County Planning Commission meeting for the 2232-3-18 review of the Fountain Creek Solar Project. Fountain Creek Solar, LLC ("Applicant") offers the following comments or supplemental information for your consideration in response to issues raised at that meeting:

1. 2232 Review Process

With submittal of our application dated October 8, 2018, Clearway requested the Planning Commission to conduct a comprehensive plan review, pursuant to Virginia State Code Section 15.2-2232 ("2232"), which requires counties to review solar project applications and determine whether they are substantially in accordance with their adopted comprehensive plans. While Clearway appreciates the range of comments presented at the hearing on November 13, we note for the County's record that many of these comments are outside of the County's purview for reviewing Clearway's 2232 submittal. The Applicant respectfully reminds the Planning Commission that the matter at hand in this proceeding is the Fountain Creek Solar project, as described in the Applicant's application, and whether it is "substantially in accord" with the current Greenville County Comprehensive Plan via a 2232 review process.

We also, respectfully, encourage the Planning Commission to make a decision on this matter based on the current Comprehensive Plan, the rules and regulations governing it and this 2232 review process, and the application before you. That is a fair and balanced approach for all involved – the Applicant, landowners, the public, and the County. While there may be valid larger land use issues relating to solar projects to consider during the planned 5-year review of the County's Comprehensive Plan, those issues are best addressed in that separate process, with input from all stakeholders as is typically done with Comprehensive Plan updates, and debated outside of a particular application review. Clearway looks forward to bringing its expertise to bear in a fruitful way to help address issues in that separate process.

2. Determination of “substantially in accord” with the Comprehensive Plan

The Fountain Creek Solar project will not significantly adversely impact the rural character of the area, as most of it will not be visible to the public. The project’s visual impact will be purposely significantly less than any project that has been proposed in the County to date, including those who have passed 2232 review and been issued SUP permits already. The Applicant listened to community comments received during the processes for the previously approved projects, and incorporated those comments into the project design – the site was selected and designed so that site conditions, existing vegetative buffers, setbacks and other site-specific characteristics screen most of the development. The Project’s significant existing forested buffers will result in most of the Project not being visible, and minimal change in use will be observed for over 86% of the perimeter of the project. The remaining site boundary will have a new vegetative buffer which, at maturity, will effectively screen the development.

To demonstrate the project will not significantly adversely impact community character, Fountain Creek Solar completed a site visit during November 2018 and photo-documented the potential for visibility of the facility at 50 feet and 150 feet into the project area from seven locations where visibility was a concern. An additional three photos were documented along the generation tie-line to provide perspective of existing conditions against proposed development. The results show that existing site conditions in combination with proposed vegetative screening will effectively mitigate visual impacts from the project, as provided in Attachment 1.

We also refer staff and the Planning Commission to our comments to the staff report submitted earlier this month (Attachment 2), which again clearly outline the case for a finding of “substantially in accord” with the current Comprehensive Plan. This project is well screened and buffered to minimize visual impacts to the surrounding community, and furthermore it supports a number of the goals and objectives of the Comprehensive Plan, as detailed in that prior response attached.

Finally, we wish to remind the Planning Commission of the numerous benefits this project brings to individual Greensville County residents and landowners, the County, and the Commonwealth of Virginia. Numerous landowners participating in this project have chosen to develop their land in this way, in compliance with the Comprehensive Plan and in consideration of their surrounding community. Their wish to use their land as they see fit should be respected, particularly given a low-impact development like the proposed Fountain Creek Solar Project. Additionally, the project will provide a number of tax, economic, and other benefits to the community as outlined in our application and provided here as Attachment 3.

3. Issues Raised

Finally, the Applicant provides the following information to help clarify some of the misconceptions about solar voiced via public comment at the meeting on November 13, 2018:

Property values

There is no credible evidence that property values are impacted in the vicinity of solar projects. The County's own consultant in the Meherrin Project review concluded no impact to property values was likely. Additionally, a report conducted by Kirkland Appraisals LLC in August of 2017 for the Hollyfield solar project in King William County, Virginia provides analyses of sales data near a number of solar projects in Virginia, North Carolina and Maryland and concludes no impact to property values from these types of solar projects. Clearway will be providing a similar analyses for this project as part of our special use permit application.

Electricity Bills

Utility scale solar has become one of the most inexpensive new energy options available for utilities, and will actually reduce a utility's overall energy costs. Dominion's 2018 Integrated Resource Plan filed recently with the VA State Corporation Commission support this fact. Therefore, customers in Greensville County will not see a negative impact to their utility bills.

Transmission Lines

New transmission line construction is a costly and difficult process. As such, existing transmission capacity will actually serve to limit the amount of large-scale solar that can be developed in a particular area, like Greensville County. While building short generation tie-lines that connect to existing transmission and/or substation infrastructure (such as the short gen-tie line proposed for the Fountain Creek Project) are common features of renewable projects, building significant new transmission is just too costly and will not likely be a result of solar development proposed in the state.

Zinc in Soils Concerns

The NC State Clean Energy Technology Center report included and cited in our original application states *"...the negative health and safety impacts of utility-scale PV development were shown to be negligible, while the public health and safety benefits...are significant and far outweigh any negative impacts..."*. Clearway is working to compile additional information specifically related to zinc in soils from galvanized materials and provide that in any potential special use permit application for the project. That said, NC State staff thus far indicates that any such zinc transfer should in most cases be negligible and thus not impact crop productivity. That being said, only 1/3 of the site is currently in agricultural production.

Future Projects

Some concerns were raised about potential future projects in the area. Some residents mistakenly noted that those future projects under County review were projects proposed by Clearway. Clearway would like to clarify for the record that no other Clearway applications have been submitted and Clearway has no further information on those projects noted during the November 13 hearing. While Clearway is investigating other opportunities for additional solar

development in the area, those plans are in concept only and are much too preliminary to discuss and further, any future plans are not the subject of this application, and as such is not applicable to consideration of this project. Any potential future projects should and will be considered on a case-by-case basis if and when they arise.

We welcome the opportunity to provide this additional information to Greenville County staff and the Planning Commission to assist in their review of this application.

Please feel free to contact my colleague David Stoner at 434-227-2105 or via return email (davidastoner1@gmail.com) if you have any questions, or require further information. We look forward to working with you and Greenville County to realize this exciting renewable energy project in the County!

Regards,

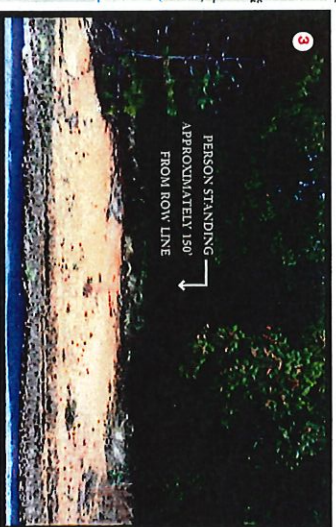
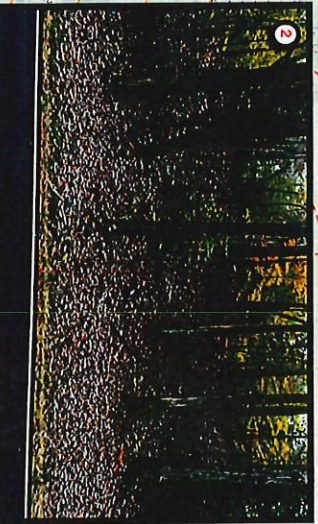
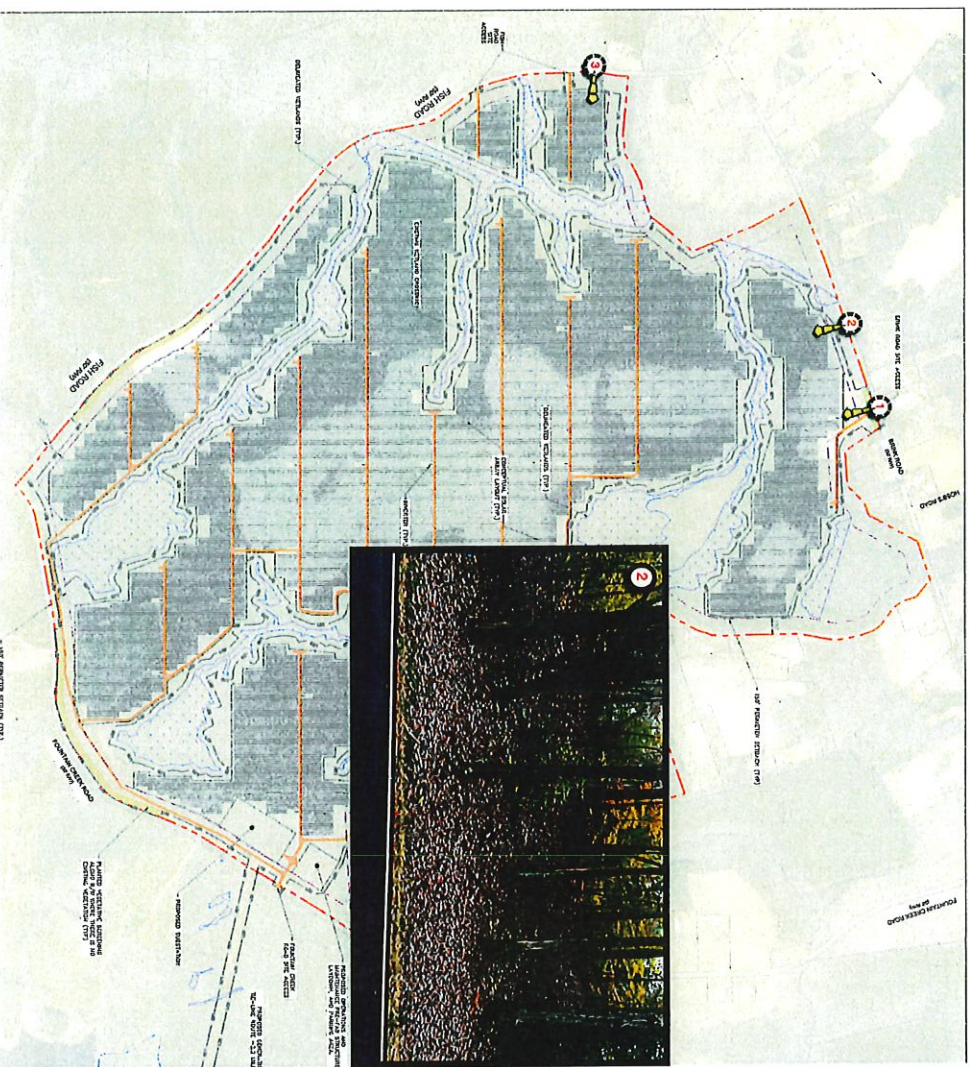
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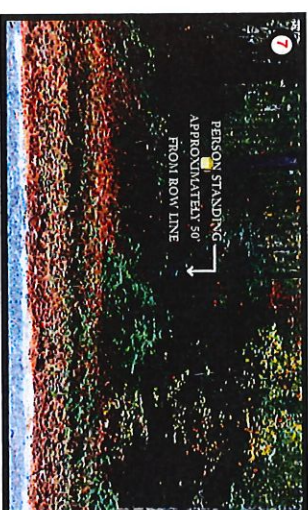
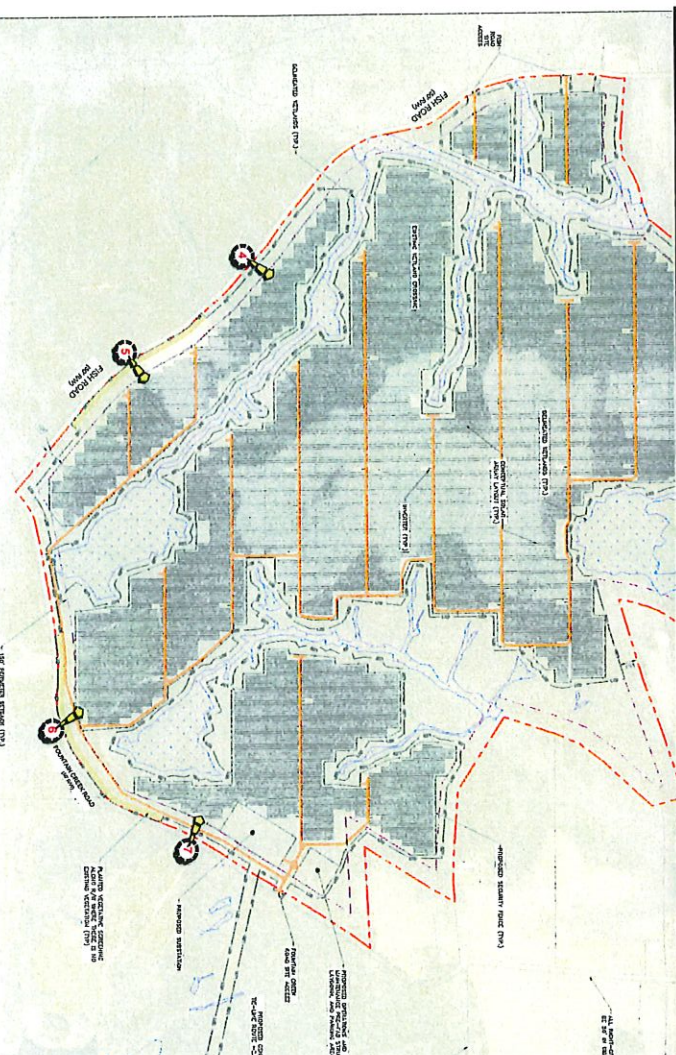
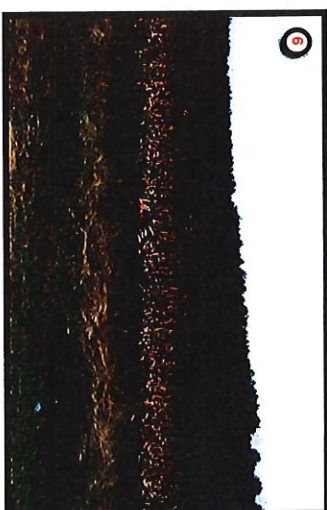
Aarty Joshi
Senior Manager, Environmental Permitting

cc: David Stoner
Darren Coffey
Greenville County Planning Commissioners

FOUNTAIN CREEK SOLAR SITE IMAGE BOARD

GREENSVILLE COUNTY, VA



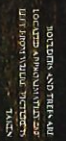


FOUNTAIN CREEK SOLAR SITE IMAGE BOARD

GREENSVILLE COUNTY, VA

November, 2018
Kimley»Horn

GREENSVILLE COUNTY, VA



Clearway Energy Group
100 California Street, Floor 4
San Francisco, CA 94111

clearwayenergygroup.com



November 9, 2018

Linwood E. Pope, Jr.
Planning Director
Greensville County VA
1781 Greensville County. Circle
Emporia, VA. 23847

Subject: Fountain Creek. Solar Project 2232-3-18 Review Staff Report Comments

Dear Lin:

I am writing in response to your letter of November 5, 2018 and the staff report dated November 6, 2018 for the 2232-3-18 review of the Fountain Creek Solar Project. Fountain Creek Solar LLC ("Applicant") offers the following comments or supplemental information to that staff report.

The Applicant held a community informational meeting on October 4, 2018. The purpose of this meeting was to provide an opportunity to residents to learn more about the project and to solicit their feedback on the proposed project, and to incorporate that feedback into the proposed design and subsequent applications to the County. Approximately 30 people attended. While many questions were asked, the attendees were generally very supportive of the Project.

Comments on Staff Analyses

On Pg 5 B1) staff presents an analysis of the two previously approved solar projects (the Greensville County Solar and Meherrin Solar projects) plus the Fountain Creek Project in terms of total site areas and areas to be covered with panels, in an area roughly centered on the crossroads in Brink. Staff's analysis concludes that *"approximately 10% of the land around the Brink substation would be covered with panels"* and goes on to suggest *"The County may want to consider limiting the concentration of facilities in one region to preserve the rural character and agricultural characteristics of the County"*. We find this analysis inaccurate in the following ways.

First, the Fountain Creek project is located on an 802-acre tract of land and our current preliminary conceptual site plan shows solar panels occupying approximately 565 acres (393 acres of existing forested land and 170 acres of existing agricultural land). Thus, the land area utilized by solar panels for this project corresponds to less than 0.3% of the County's total land area and to less than 0.3% and 0.6% of the County's forested and agricultural lands, respectively. While there is a change in land use, and reduction in agricultural use in the short-term in this area, the county-wide the overall impact will be negligible.

Second, attached is a similar analysis of project areas and areas covered by panels for the three projects in an area roughly centered on Brink. Several "areas" are presented to show the analysis for 1, 2, or 3 projects. Depending upon which area is used as a reference, project areas cover approximately between 6-9% of the total land area, and land occupied by solar panels for the three projects range from approximately 4-6% of the land area, not 10% as suggested by staff. We acknowledge these data change slightly depending upon how the study area is selected.

Third, the mere acreage of utility scale solar projects is not a good measure of potential impact to the rural character of an area, if you can't see the facilities located on these acreages. Fountain Creek Solar, LLC is cognizant of the community and County concerns for visual impacts and therefore has incorporated into the project design a 150-ft setback, within which a minimum of 50-feet of existing or new vegetative growth will be maintained. Approximately 86% of the Fountain Creek Project site boundary is comprised of existing, forested buffers. The remaining portion of the site boundary will be newly-planted evergreen buffers which, while allowing some visibility in initial years in these limited areas, at maturity, will result in the solar project not likely being visible from any public roads or neighbors, except at access roads. Therefore, there would be no significant discernible change to the current undeveloped condition—residents would continue to see trees while driving on Brink or Fish or Fountain Creek roads. For this reason, no significant change in rural character would occur. In fact, one could argue that the solar project would encourage the rural character by preventing other types of residential, commercial or industrial development from taking place on these parcels. The setback and buffering requirements of the County will help ensure such minimal visual impact for all projects.

Finally, this concentration of solar projects in this area is entirely consistent with the goal of the Comprehensive Plan to allow and encourage renewable energy development in the County. It is industry best practice to site renewable projects where there is existing utility infrastructure in order to minimize energy loss and maintain project economic viability. Therefore, it is reasonable that solar facilities would be located within proximity to existing substations or transmission lines, and not be distributed throughout the County.

On Pg 5 B2) staff incorrectly indicates *"screening and buffers are not feasible around the 2.2 mile transmission line. This may further negatively impact the rural character and agricultural characteristics of the County"*. While the Applicant agrees that requiring screening and buffers for transmission lines is not appropriate nor imposed on existing lines in the area, significant consideration was given to visibility concerns when selecting the route for this line. A significant portion of the line runs through existing forested tracts, behind tree lines, or is obscured by topography and more than 1500' from County road right-of-ways (RoWs), and thus will largely not be visible, except in areas near road crossings. Further, transmission lines are a common element of the visual environment; overhead lines currently exist along Pine Log, Brink, and Diamond Grove Roads and therefore would not be a new unfamiliar feature to area residents.

Regarding Pg. 5 B3), Fountain Creek Solar LLC will propose a decommissioning and restoration plan that will ensure the site is in a condition to return to either agricultural or timber production, as may be chosen by the landowner at that time. If *"restoration criteria"* implies requiring a

certain specific crop production (i.e., agricultural or timber), that is not appropriate and should be left to the landowner.

On pg. 5 staff indicates that the *project "...appears to meet some, but not all of the Comprehensive Plan's goals, objectives and strategies ..."* and further on pg. 6 *"staff finds...may not be substantially in accord..."* and then further cites the following in this assertion:

2.a. *"however screening and buffers are not feasible around the 2.2-mile transmission line"*. Please see our response to item B2 above. Applicant does not believe the transmission line contributes to this finding as it is substantially hidden from view and given that other such lines are a common part of the visual landscape in the area.

2.b. *"The project would increase the concentration of utility-scale solar facilities in the Brink section of the County impacting the rural character of that area"*. As discussed above, the mere acreage of utility scale solar projects is not a good measure of impact, since (1) 86% of this project site boundary is comprised of existing, forested buffers, which will not change post-development, and (2) the remaining boundary will be planted with a new vegetative buffer which, at maturity, will effectively screen the project from visibility.

2c. *"encroachment on differing land uses is minimized"*. This project is not "encroaching" on adjacent land uses in any way. Through a combination of 150' setbacks and 50' existing and new vegetative screening there is no significant "encroachment" on adjacent land.

On pg 6 it is noted that *"Staff and the Planning Commission will desire to see a detailed grading plan as part of SUP application"*. However, we note that neither of the previously-approved project applications provided a detailed grading plan as part of an SUP application. While we can provide a conceptual estimate of the extent of grading possibly required at the time of SUP application, detailed grading plans will not be available until the time of site plan submission. Such plans require detailed topographic and design information not typically available at this stage of a project. We have discussed this with staff on numerous occasions and staff seems agreeable to this approach.

Finally, we offer the following comments on staff's Option 2 – a potential finding *"of not substantially in accord"*. The reasons cited for such a finding are not supported upon a review of the application for the reasons described above and repeated here:

1. Simply increasing *"the concentration of land approved for solar"* does not necessarily not preserve the rural character of an area, as site conditions, existing vegetative buffers, setbacks and other site-specific characteristics must be considered. The Project's significant existing forested buffers will result in most of the Project not being visible, and no noticeable change in use will be observed for over 86% of the perimeter of the project. The remaining site boundary will have a new vegetative buffer which, at maturity, will effectively screen the development.
2. While the Applicant agrees that requiring screening and buffers for transmission lines are not appropriate nor imposed on existing lines in the area, significant consideration was given to visibility concerns when selecting the route for this line. A significant portion of

the line runs through existing forested tracts, behind tree lines, or is more than 1500' from County RoWs and thus will largely not be visible, except areas near road crossings.

3. The Comprehensive Plan had been specifically amended to encourage solar energy projects greater than 20MW in agricultural zoned districts (i.e., encouraging solar in areas currently used for farming and timber production). The proposed project is in accord with this. It is inconsistent to then say solar is incompatible with areas planned in the future for agricultural and farming and Rural Residential uses.
4. While the site is 802 acres, the proposed disturbed/occupied area is approximately 595 acres. The remaining 207 acres not to be used is predominately forested and lowlands, wetlands, or visual buffers to neighboring lands. A simple measure of land used is not a reason for finding of "not substantially in accord" when (1) the vast majority of that land is not visible to the public now, nor will be visible to the public after construction of the facility, and (2) the development covers only 0.3% of the County's agricultural lands.
5. Concerns about decommissioning are not a valid reason for contributing to a finding of "not substantially in accord" when the applicant will be required to provide both a decommissioning plan and security, and be obligated to perform to that plan, as a condition to the Special Use Permit. The proposed site can be successfully decommissioned and returned to its pre-development agricultural and timber uses.

We welcome the opportunity to provide this additional information to Greenville County staff and the Planning Commission to assist in their review of this application.

Please feel free to contact my colleague David Stoner at 434-227-2105 or via return email (davidastoner1@gmail.com) if you have any questions, or require further information. We look forward to working with you and Greenville County to realize this exciting renewable energy project in the County!

Regards,



Aarty Joshi
Senior Manager, Environmental Permitting

cc: David Stoner
Darren Coffey
Greenville County Planning Commissioners

